

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated May 28, 2008, (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully maintains the traversal of the § 102(b) rejection based upon U.S. Patent No. 5,558,339 to Perlman (hereinafter “Perlman”) because Perlman does not teach or suggest several of the claimed limitations. For example, Perlman does not at least teach displaying contact information of at least one user of at least one other gaming device on the display of an electronic gaming device, as claimed in independent Claims 15, 19, and 23. The Office Action acknowledges at pages 3 and 5 that “the number [asserted as corresponding to the claimed contact information] is not displayed or made readily accessible to the other player” (emphasis added). Then the Office Action asserts on page 4 that “whether the phone number is shown to the users or not is immaterial” in the teachings of Perlman, which directly contradicts the requirements of a § 102(b) rejection since these limitations are present in Claims 15 and 19-28. Because the asserted art admittedly does not teach these limitations of Applicant’s claims, the § 102(b) rejection is clearly improper. Applicant accordingly requests that the rejection be withdrawn.

Applicant further maintains that Perlman does not teach or suggest a single electronic gaming device that stores contact information of at least one user of another gaming device, receives a response to a gaming request sent by the device, and starts a game in multiplayer mode in response to that response being positive. In direct contrast, Perlman teaches a system where gaming devices rely upon a third party server to review contact information and link the remote devices. How this different approach fails to correspond to the claimed limitations may be illustrated using the following chart, using Claim 1 as an example.

Applicant’s Claim Limitations Directed to A Single Electronic Device	Perlman
a memory to store contact information of at least one user of the at	server 88 receives and reviews the country code, area code and telephone number of

least one other gaming device, the information including data about the multiplayer capable games supported by the at least one other device	logged-in users (Col. 11, lines 15-17 and step 4, described at 22-40)
a controlling unit configured to send a gaming request to the at least one other gaming device, the request containing an invitation to play a game supported by both devices	computer 65 (of User A) dials the local telephone number of computer 66 (of matched User B) (Col. 12, step 7, described at lines 20-23)
a controlling unit configured to start the game in a multiplayer mode in the device responsive to the positive response	computers 65 and 66 play their twitch two-player video game (Col. 12, step 9, described at lines 45-50)

Perlman's system requires that a separate server 88, not one of the gaming devices (computers 65 and 66), review the contact information of the gaming devices; therefore, none of the devices discussed in Perlman corresponds to each of the claimed limitations.

Moreover, none of the devices in Perlman has been shown to teach storing contact information, as claimed. Rather, Perlman teaches that a server reviews contact information of logged-in users but makes no mention of storing the users' contact information. Also, Perlman has not been shown to teach a device storing data about the multiplayer capable games supported by another user's computer as part of stored contact information.

Instead of teaching storing contact information in a user's device, Perlman specifically teaches that a phone number (asserted as corresponding to the claimed contact information) of the gaming device being contacted (computer 66/User B) will not be revealed to the user making the contact phone call. *See, e.g.*, Col. 12, lines 14-16 and Col. 13, lines 29-31, 37. Further, Perlman teaches that the caller ID will be deactivated to prevent User B from receiving contact information for User A (Col. 13, lines 39-43). Thus, Perlman fails to teach an electronic gaming device, as claimed. Without a presentation of correspondence to each of the claimed limitations, the § 102(b) rejection is improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical

invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim.

Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully maintains that Perlman does not teach every element of at least independent Claims 1, 15, 19, and 23 in the requisite detail and therefore fails to anticipate Claims 1-15 and 17-28.

In addition, dependent Claims 2-14, 17, 18, 20-22, and 24-28 depend from independent Claims 1, 19, and 23, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Perlman. While Applicant does not acquiesce to the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claims 1, 19, and 23. These dependent claims include all of the limitations of independent Claims 1, 19, and 23 and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 2-14, 17, 18, 20-22, and 24-28 is improper. Applicant accordingly requests that the § 102(b) rejection be withdrawn.

With particular respect to dependent Claim 2, the Office Action has not shown where Perlman teaches an electronic gaming device having a display that displays stored contact information, as claimed. In contrast, the Office Action acknowledges at pages 3 and 5 that Perlman teaches that the asserted contact information (a user's phone number) is not displayed, as also discussed above. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 3 and 20, the Office Action has not identified where Perlman teaches a game displayed in the displayed contact information is selected and a gaming request is sent on the basis of the selection, as claimed. Perlman has not been shown to teach that displayed contact information includes data about the games supported by another device as discussed above, and no teachings have been identified that a gaming request is sent based upon detecting a selection of a game in the contact

information. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claim 4, the Office Action has not identified where Perlman teaches displaying a gaming request on the display of a device. Instead, Perlman teaches that once computer 65 calls computer 66, computer 66 answers the call, sends an identification code, verifies the code, and takes measures to start the game. There is no indication that a request is displayed in response to a call from computer 65. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 7 and 25, the Office Action has not identified where Perlman teaches use of an event log of sent and received gaming requests that is stored in the device. The asserted reports of connection problems at columns 15 and 16 of Perlman fail to correspond to the claimed event log as these reports are collected by server 88 and not stored in a device that sends a gaming request and starts the game responsive to a positive response to the request. Moreover, reports of connection problems have not been shown to correspond to a log of sent and received gaming requests. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 8 and 26, the Office Action has not identified where Perlman teaches including information about a predetermined timeout limit with a gaming request. The mere giving up by a computer on a connection after a period of time as taught at column 14, line 51 through column 15, line 6, does not provide correspondence to including a predetermined timeout limit in a gaming request. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 9 and 28, the Office Action has not identified where Perlman teaches sending a negative response to a gaming request, as claimed. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 10 and 24, the Office Action has not identified where Perlman teaches blocking gaming requests, as claimed. The asserted call forwarding features merely allows a user to mask a phone number by transferring a modem call (asserted as correspond to the claimed gaming request) to another phone number. This feature does not block the receipt of the call but instead changes how the call is received. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claim 11, the Office Action has not shown that Perlman teaches a terminal of a cellular radio system, as claimed. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claims 17 and 18, the Office Action has not identified where Perlman teaches associating a quick gaming number including an address of another gaming device with at least one key of a gaming device and interpreting the press of the key, as claimed. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claim 22, the Office Action has not identified where Perlman teaches sending a gaming request using a messaging application. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant requests that it be withdrawn.

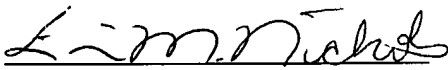
In summary, the Office Action has not asserted or presented correspondence to several of the claimed limitations in violation of the requirements for maintaining a rejection based upon § 102. Applicant accordingly requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.024.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

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By: 

Erin M. Nichols
Reg. No. 57,125